



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/767,520

01/29/2004

Charles Robert Kalmanek JR.

113300CON

5508

83658 7590 05/22/2009

AT & T Legal Department - WS

Attn: Patent Docketing

Room 2A-207

One AT & T Way

Bedminster, NJ 07921

EXAMINER

WONG, BLANCHE

ART UNIT

PAPER NUMBER

2419

MAIL DATE

DELIVERY MODE

05/22/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/767,520	Applicant(s) KALMANEK ET AL.	
	Examiner Blanche Wong	Art Unit 2419	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 19-22 have been considered but are moot in view of the new ground(s) of rejection.

2. Although the arguments are moot, Examiner would like to point out that Examiner is not conceding or agreeing to some of the arguments. First, Applicant's reasoning that claim 19 is "construed as anything other than a method of operating a router."

Remarks, p.3. Applicant's support quotes "the router then numbers ...", "[the router] groups ...", "the router encodes ...", and "each router assembles and interprets ...". This is the router operating, not something "operating a router". Second, Applicant states that "one of skill in the art would know how to group interfaces 'using local connectivity information'". Remark, p.4. If this is "one of skill in the art would know", then it is likely rejectable under prior art and does not add value to the claim limitation. Lastly, Applicant's amendment "NBMA" does not clarify the inventive property(s). Specification on p.7 discloses "For illustration purposes only, network is assumed to be an ATM network. ... It is assumed that it is more efficient to traverse many hops of the routed network by a single NBMA virtual circuit (shortcut)." The term "It is assumed" is nebulous. Therefore, claim limitation NBMA can be interpreted broadly as ATM "for illustration purposes" and examined as such.

Specification

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 19,20,22 are** rejected under 35 U.S.C. 102(e) as being anticipated by Feldman et al. (U.S. Pat No. 6,148,000).

With regard to claim 19, Feldman discloses

assigning a number (**VCI value**) to each of the local non-broadcast multiple access interfaces (**ingress nodes of an ATM network**) wherein each of said assigned numbers is local to said router (**root node**) (“**Each ingress node is assigned a unique VCI value ... If the root node is cognizant of all ingress nodes, it can assigned a unique VCI value to each of the ingress nodes**”, col. 3, lines 5-10) (See **Also “VP-merge can be used in an ATM network that is capable of Virtual Path switching”, col. 2, lines 66-67**);

Art Unit: 2419

grouping (**aggregate VCs; merging; concatenation of ATM VCs**) the local non-broadcast multiple access interfaces (**incoming label => VCI value => [ingress] node of an ATM network**) into connectivity classes using local connectivity information (label) (“**using OSPF router ID to aggregate VCs, col. 2, lines 1-2**) (See *A/so* “**merging of data units ... at a network node**”, col. 2, lines 33-34; multipoint-to-point, col. 2, line 67; “**said node creating an entry ... between each said incoming label and said outgoing label. It is preferred that the switched connection is a concatenation of ATM Virtual Channels (VCs)**”, col. 4, lines 25-28; “**said label comprises VPI and VCI and wherein each node which is to initiate data on said VP switched connection is assigned a VCI unique within said network**”, col. 4, lines 39-43);

encoding information identifying the assigned numbers and the connectivity classes into a link state packet (“**... by created switched paths on the basis of link state routing protocol router label (e.g. OSPF router Ids) ...**”, col. 14, lines 17-18); and

transmitting the link state packet to at least one other router in the communication network (**NEXT_HOP, col. 13, lines 20-21**).

Feldman further discloses an OSPF link state advertisement (“**The OSPF protocol exchanges five types of 'link state advertisements' to create OSPF routing tables**”, col. 14, lines 21-22).

Art Unit: 2419

Feldman further discloses an ATM network (**an ATM network, col. 2, line 61**).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claim 21** is rejected under 35 U.S.C. 103(a) as being unpatentable over Feldman in view of Luciani (U.S. Pat No. 6,418,476).

With regard to claim 21, Feldman discloses the method of claim 19. However, the combination fails to explicitly show opaque fields of the link state packet.

In an analogous art of link state advertisement, Luciani discloses opaque fields of the link state packet (**Fig. 5**).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine opaque fields of the link state packet as taught in Luciani, with Feldman, for the benefits of synchronization, e.g. synchronizing NAT tables in a network of routers. Luciani, col. 1, line 20.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blanche Wong whose telephone number is 571-272-3177. The examiner can normally be reached on Monday through Friday, 830am to 530pm.

Art Unit: 2419

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Blanche Wong/

Examiner, Art Unit 2419

May 8, 2009

/Ayaz R. Sheikh/

Supervisory Patent Examiner, Art Unit 2419